IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 32503 of 2006(T)

PETITIONER:

C.R. ABRAHAM, CHOOREPARAMBIL HOUSE,
BALAN MENON ROAD, KALOOR P.O.,
KOCHI-17.

BY ADV. SRI.P.J.MATHEW

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM, KOCHI-17.

2. THE SPECIAL SALE OFFICER, PEOPLES URBAN CO-OPERATIVE BANK LTD.NO.51, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OP.SOCIETEIS, KANAYANNOOR.

3. THE PEOPLES URBAN CO-OPERATIVE BANK LTD.NO.51, REPRESENTED BY THE GENERAL MANAGER, THRIPUNITHURA P.O., ERNAKULAM DISTRICT.

4. THE BRANCH MANAGER, PEOPLES URBAN CO-OPERATIVE BANK LTD.NO.51, KATHRIKADAVU BRANCH, KALOOR, KOCHI-17.

BY ADV. SRI.T.A.RAJAN FOR R3 AND R4
SRI.JAYAKUMAR C.K.
GOVERNMENT PLEADER SRI.S.DILEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPYOF THE DEMAND NOTICE DATED 4.12.2004 ISSUED BY THE 2ND RESPONDENT

EXT.P2- TRUE COPY OF THE REPRESENTATION DTED NIL FILED BY THE PETITIONER BEFORE THE RESPONDENT BANK.

EXT.P3- TRUE COPY OF THE ORDER DATED 15.3.2006 ISSUED BY THE 1ST RESPONDENT

EXT.P4- TRUE COPYOF THE LETTER DATED 4.5.2006 ISSUED BY THE THIRD RESPODNENT TO THE PETITIONER.

EXT.P5- TRUE COPY OF THE AUCTION NOTICE DATD 1.11.2006 ISSUED BY THE 2ND RESPONDENT

EXT.P6- TRUE COPY OF THE LETTER DATED 29.11.2006 ISSUED BYTHE 4TH RESPONDENT TO THE PETITIONER

EXT.P7- TRUE COPY OF THE CIRCULAR NO.27/2006 ISSUED BY THE 1ST RESPONDENT DATED 29.6.2006

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 32503/2006

Dated this the 19th day of January, 2007

JUDGMENT

The writ petitioner, having defaulted to pay the amount due to the third respondent, the Urban Co-operative bank, was proceeded against for realisation of the amount due to the bank. The writ petitioner is before this Court praying that the direction of the bank, to remit the entire amount in lump, may be interfered with and also prayed to allow an One Time Settlement scheme.

2. I heard the arguments advanced by the learned counsel for the petitioner as well as the counsel for the third and fourth respondents. It is brought out by the counsel for the respondents 3 and 4 that One Time Settlement facilities are not available for the Urban Co-operative Banks. However, the counsel submitted that the instalment facilities could be extended. The counsel further submitted that the simple interest, at the rate of 19% as had been fixed by the Co-operative Tribunal, together with an exemption to the legal charges and penal

interest would be given reduction to, at the time of calculation of the total amount, due to the third respondent.

3. Considering the submissions made by either side, I direct the writ petitioner to approach the third respondent with a representation praying for instalment facilities of the amount. The third respondent shall hear the petitioner, fix the actual amount due from the petitioner to the third respondent, in accordance with the directions issued by the Co-operative Tribunal and also the submissions made before this Court, as above, within three weeks from the date of filing of the representation by the writ petitioner. The third respondent is directed to grant twelve instalments to the petitioner for remitting the entire amount, that would be fixed on the representation which would be filed by the writ petitioner.

4. The writ petitioner shall remit the instalments without any default, and the first instalment shall be within one month from today. The successive

instalments shall continue to be remitted as per the direction of the third respondent.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs